

10/597450

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference

0000055307

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/000783

International filing date (day/month/year)

27.01.2005

Priority date (day/month/year)

29.01.2004

International Patent Classification (IPC) or both national classification and IPC

B32B25/08, B32B25/14, B32B27/40

Applicant

BASF Aktiengesellschaft

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-22</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>18-20</u>	YES
	Claims	<u>1-17 21 22</u>	NO
Industrial applicability (IA)	Claims	<u>1-22</u>	YES
	Claims		NO
2. Citations and explanations:			
A Inventive step			
<p><u>A.1</u> D1 is considered to be closest prior art and discloses a moulding, its production process and its use in the motor vehicle exterior sector as described in claims <u>1-5, 8-17 and 21, 22</u> of the present application (see claims 1-11 and [106, 109] of D1), with the difference that the outer layer is composed of an aliphatic, thermoplastic polyurethane and not, as described in D1, of a polymethyl methacrylate or a polycarbonate.</p> <p>The effect of this difference is that the moulding has high resistance toward scratches and chemicals.</p> <p>The remaining problem to be addressed then consists in providing, for the motor vehicle exterior sector, a glossy moulding which has high scratch resistance and high chemicals resistance.</p> <p>D3 discloses a moulding which can be used for automobile bodywork and which has an external layer composed of thermoplastic, aliphatic polyurethane with high scratch resistance and high chemicals resistance and with high gloss (column 8, lines 10-20, column 9, lines 15-20 and claims 1 and 5).</p> <p>A person skilled in the art would solve the abovementioned problem starting from D1 and taking the teaching of D3 into account, and would thus arrive at the subject matter of claims 1-5, 8-17 and 21, 22.</p> <p>The subject matter of claims 1-5, 8-17 and 21, 22 does not therefore represent an inventive step under PCT Article 33(3)...</p> <p><u>A.2</u> Arguments similar to those under A.1 apply to the subject</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

matter of the current claims 6 and 7 in relation to D2 and D3.

D2 discloses a moulding, its production process and its use in the motor vehicle exterior sector, composed of a carrier layer, of a substrate, of a coloured intermediate layer, of a PMMA outer layer, and of an adhesion-promoter layer situated between substrate and carrier layer (claims 1, 2 and 7). The *difference* in the subject matter of claims 6 and 7, the consequent *effect* and the technical *problem* consequently remaining have been described above in A.1. The conclusion that there is no inventive step present also follows by analogy with A.1.

B Industrial application

The subject matter of claims 1-22 meets the requirements of PCT Article 33(4) in relation to industrial application.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Reference is made to the following documents:

- D1: DE 102 28 376 A1 (BASF AG) 15 January 2004 (2004-01-15)
- D2: EP-A-0 847 852 (BASF AKTIENGESELLSCHAFT) 17 June 1998
- D3: US-B1-6 203 915 (PRISSOK FRANK ET AL) 20 March 2001
(2001-03-20)